

CARL B. JOHNSON,)
)
Petitioner,)
)
vs.) Case No. 4:09CV00919 ERW
)
DAVE DORMIRE,)
)
Respondent.)

This matter comes before the Court on the Report and Recommendation of United States Magistrate Judge Mary Ann Medler [doc. #10], pursuant to 28 U.S.C. § 636(b). The Court notes that no objections were filed to Magistrate Judge Medler's Report and Recommendation. After consideration of the issues, the Court hereby sustains, adopts, and incorporates herein the Magistrate's Report and Recommendation regarding Petitioner's Motion Requesting a Stay and Abeyance.


Accordingly,

IT IS HEREBY ORDERED that Petitioner Carl B. Johnson's Motion Requesting a Stay and Abeyance [doc. #9] is **DENIED**.

IT IS FURTHER ORDERED that Petitioner Carl B. Johnson's Motion to Withdraw Federal Habeas Corpus Petition [doc. #11] is **GRANTED**. Petitioner's Federal Habeas Corpus Petition is **DISMISSED, without prejudice**.

IT IS FURTHER ORDERED that Petitioner Carl B. Johnson's Motion for Appointment of Counsel and Affidavit in Support [doc. #4] is **DENIED, as moot**.

Dated this 29th Day of July, 2009.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE